

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

James B. Murphy,

Plaintiff,

v.

Mike Hunt, Cpt. Gallam, Lt. Bradley, Cpl.
Harris, Sue Hammock, Sara Ledbetter,
Trinity Service Group, Dr. Williams, Lt.
Bowman, Lt. Clamp, K. Pugh,

Defendants.

Case No.: 0:20-cv-4519-SAL

ORDER

This matter is before the court for review of the February 24, 2022 Report and Recommendation (the “Report”) of United States Magistrate Paige J. Gossett, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 129.] In the Report, the Magistrate Judge recommends that this action be dismissed for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *Id.* at 3. The Report explained that Plaintiff failed to respond to Defendants’ motions for summary judgment, despite two orders from the court instructing him to respond and advising him of the consequences if he failed to do so. *See id.* at 1–2.

On February 25, 2022, the court received Plaintiff’s motion for additional time to file his response in opposition to Defendants’ motions for summary judgment and granted the request. [ECF No. 132.] The court provided Plaintiff until March 30, 2022, to file a response and warned him that failure to file a response by this date would result in this court adopting the Report’s recommendation of dismissal for failure to prosecute. *See id.* To date, Plaintiff has not filed his response to Defendants’ motions, and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 129, and incorporates the Report by reference herein. Accordingly, this action is **DISMISSED** for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

April 8, 2022
Florence, South Carolina

/s/Sherri A. Lydon
Sherri A. Lydon
United States District Judge